IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8438 OF 2004

Jadhav Vijay Shivajirao Petitioner

versus

State of Maharashtra and others Respondents

U.P.Warunjikar, adv. for petitioner.
N.P.Deshpande, adv. for respondents.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 5th November 2004

PC :

1. Heard advocates.

2. Respondent no.2 issued an advertisement on 14th May 2002 for filling up two posts of Instructor. Petitioner submitted his application in response to the said advertisement. Thereafter, interviews were held and merit list was prepared. According to petitioner, he was at sr.no.2 in the merit list and one Bharat Shankar Gaikwad who was an employee of respondent no.2 and who was age barred, was also selected to the said post. It appears that respondent no.2 referred the matter to the Deputy Commissioner of Development, Pune for approval to the name of Bharat Shankar Gaikwad. It appears that the

selection process got delayed due to the fact that name of B.G.Gaikwad was referred to the competent authority and as a result no appointments were made as the list lapsed after expiry of one year. During this period petitioner has become age barred. In view of peculiar facts of the case we direct that in the event the applications are called for the said post by respondent no.2, the application of petitioner shall be considered on merits without raising objection of age bar. Petition is accordingly disposed of.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)